GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Sri B. Jagannadham, S/o Yellappa, Hyderabad District, against the Proceedings Rc No. C6/3876/95, dated 24.01.2002 of the District Collector, Kurnool - under section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/1993) – Appeal Petition dismissed – Orders Issued.

TRIBAL WELFARE (CV2) DEPARTMENT

G.O.Ms.No.68 Dated:03.06.2016.

Read the following:

1. Proceedings of the District Collector, Kurnool, Rc.No. C6/3876/95, dated 24.01.2002.
2. Appeal Petition filed by Sri B. Jagannadham, S/o Yellappa, Hyderabad District, dt.19.04.2002.
3. Govt. Memo.No.5769/CV2/2002, T.W.(CV2) Dept, dt.30.04.2002 and reminders thereon.
4. From the District Collector, Kurnool, Lr. Rc.No. C6.402/2009, dated:01.02.2010.
5. Govt. Memo.No.5769/CV2/2002, T.W.(CV2) Dept, dt.27.05.2015.
6. Govt. Memo.No.5769/CV2/2002, T.W.(CV2) Dept, dt.16.10.2015.

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ORDER:

In the reference 1st read above the District Collector, Kurnool has issued orders canceling ST- Sugali Caste Certificate obtained from the then Tahsildar, Nadyal, Kurnool District by Sri B. Jagannadham, S/o Yellappa .

2. In the reference 2nd read above, Sri B. Jagannadham, S/o Yellappa has filed an Appeal Petition before the Government against the said Proceedings of the District Collector, Kurnool. After examining the said Appeal Petition, Government have admitted the said Appeal Petition and called for the parawise remarks and connected records from the District Collector, Kurnool in the reference 3rd read above.

3. In the reference 4th read above, the District Collector, Kurnool has furnished the Parawise remarks and connected records on the said Appeal Petition filed by Sri B. Jagannadham, S/o Yellappa.

4. The said Appeal Petition has been posted for hearing on 20.06.2015 & 31.10.2015 and the same has been informed to the Appellant and the Counsel for the Appellant and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no claim what-so-ever in the matter and it will be decided based on the material available with the Government in the references 5th & 6th read above. The Appellant & Counsel for the Appellant have not attended for the said hearing as requested in the reference 6th read above.

5. However, during the hearings at the time of previous arguments and on perusal of the records/ the copies of evidences/academic record/ grounds filed by the Appellant / the parawise remarks submitted by the District Collector, Kurnool and proceedings of the District Collector, Kurnool dated 24.01.2002, it is observed by the Appellate Authority that:

I. The DLSC has issued notices on 8.7.1995 and 13.10.1998 to the individual to appear before the committee. He was present on 26.10.1998 and produced Xerox copies of caste certificate issued by the Tahsildar, Nandyal dt 23.5.1978 and 15.10.1981, but he has failed to produce any documentary evidence in support of his claim. Moreover being a Sugali he has not having any knowledge of their language. The Xerox copies produced by him is in the nature of correspondence and it is not an order, as such it can't be any weight. Sri B.Jagannadham himself confessed orally that his caste is as ST Sugali.

[P.T.O]

II. As per Act 16/93 the District Collector, Kurnool has appointed the team of officers consisting, RDO, Nandyal, Deputy Director(SW) and District Tribal Welfare Officer, Kurnool to enquire into the genuineness of the caste of the petitioner. The said team have clearly reported that the appellant was not residing either in Sugali-Metta or at Nandyal in H.No.17/223 the certificate obtained by the individual is false.

III. Further the DTWO, Kurnool has reported that the petitioner and his mother Gangamma were not at all the residents of Sugali-Metta Village and they never resided in the said village and there is no Gotram by name Bavuri in Sugali caste. He secured ST Sugali caste by suppressing the facts. The Scrutiny Committee after careful examination of the Available material,documentary evidences found that the petitioner does not belong to ST(Sugali).

IV. Further the appellant attended before the Commissioner of Tribal Welfare, AP, Hyderabad on 16.12.1988 and furnished information in support of his claim that he belongs to ST Sugali Tribe. Basing on information and after conducting enquiry in the matter the Commissioner of Tribal Welfare, AP, Hyderabad has given a report that petitioner belongs to “Khatri” caste which is not declared Scheduled Tribe in AP State. Hence, the community certificate produced by Sri B.Jagannadham is invalid. The Govt. have accepted the report of the CTW, AP, Hyderabad and as per instructions of the Government, the case was re-enquired by the Team of Officers i.e, Revenue Divisional Officer Nandyal, Deputy Director (SW) Kurnool and District Tribal Welfare Officer, Kurnool. Basing on the reports of the CTW., AP, Hyderabad and Team of Officers, the District Collector, Kurnool has issued orders cancelling the caste certificate of the petitioner as per rules and regulations in force giving him sufficient opportunity and there is no violation of the principles of Natural Justice.

6. Further it is also observed that in principle the Government is receiving any documents even at the time of argument and considering the same in order to ensure that justice is done to the parties more so as to those who complain that reasonable opportunity is not given to them by the Primary Authority. But no documents are place before Government even though several opportunities were given to file any material to substantiate the claim that he belongs to ST-Sugali community, but not to “Khatri” Community as stated by Commissioner of Tribal Welfare in his report. Further it is also observed that this case went on for more than (13) years having adjourned from time to time but, the appellant failed to produce any evidence to show that the appellant’s parents belong to Sugali Community. Further, whole evidence of Appellant is self defeating. The burden, on the Appellant U/S 6 is not discharged. Hence Government have examined the entire record & material relevant to the instant case and it is decided that the appellant obtained caste certificate fraudulently and he has no iota of evidence to show that he belongs to ST-Sugali Community.

7. The Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), decided that the Appeal Petition filed by Sri B. Jagannadham, S/o Yellappa does not deserve any interference. Hence, Proceedings of the District Collector, Kurnool issued vide Rc No. C6/3876/95, dated 24.01.2002, is hereby upheld and the Appeal Petition filed by Sri B. Jagannadham, S/o Yellappa, is hereby dismissed and the Certificate issued by the then Tahsildar, Nadyal, Kurnool District is deemed to be cancelled.

8. Consequently, the District Collector, Kurnool shall take necessary action in the matter.

[Contd…]

9. The records (containing Rc No. C6/3876/M/95, dated 15.03.2002 pages NF: 1 to 48 & CF: 1 to 432) received from the District Collector, Kurnool through 4th read above, are returned herewith in original to the District Collector, Kurnool and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAM PRAKASH SISODIA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The District Collector, Kurnool (w.e)
(with original records)

Sri B. Jagannadham, S/o Yellappa,
Junior Assistant under suspension,
A.P. Publicv Service Commission,
Mukramjahi Road, Hyderabad.

Ms. Duba V. Nagarjuna Babu, G. Chandrasekhar Rao and
D. Jaganmohan Rao, Advocates for petitioner,
69/3RT, Vijayanagar Colony, Hyderabad.

The Secretary, A.P. Public Service Commission,
Mukramjahi Road, Hyderabad.

Copy to :
The Director, TCR& TI, AP, Hyderabad.
The PS to M(SWE& TWE).
The PS to Prl. Secretary(TW).

// FORWARDED:: BY ORDER //

SECTION OFFICER